

MINUTES OF THE WORK SESSION MEETING OF
THE SPRINGFIELD CITY COUNCIL HELD
MONDAY, MAY 9, 2005.

The City of Springfield council met in a work session in the Jesse Maine Room, 225 Fifth Street, Springfield, Oregon, on Monday, May 9, 2005 at 5:36 p.m., with Mayor Leiken presiding.

ATTENDANCE

Present were Mayor Leiken and Councilors Ballew, Ralston, Lundberg, and Woodrow. Also present were City Manager Mike Kelly, Assistant City Manager Cynthia Pappas, City Attorney Joe Leahy, City Recorder Amy Sowa and members of the staff.

Councilors Fitch and Pishioneri were absent (excused).

1. Placement of Non-Utility Facilities in Public Ways.

Technical Services Manager Len Goodwin presented the staff report on this item. For some time staff have generally declined requests to place facilities of private entities, other than utilities, underground in Springfield public ways. Recent requests to staff suggest that it is appropriate for council to review this policy and determine if it should continue.

Staff have received one specific request, and a number of other more general inquiries, about placing non-utility facilities under city streets. Although nothing in the Springfield Municipal Code specifically prohibits such placement, staff have, in the past, generally denied these requests, in the interest of protecting the public ways against unnecessary intrusions. The circumstances of the current request, and some of the inquiries, suggest that there may not be reasonable alternatives to placement under the streets. Accordingly, staff will seek direction from council with respect to a proposal which would permit such placement under similar terms and conditions as are applicable to utility facilities.

Mr. Goodwin said it would be beneficial to have a process in place to facilitate these requests.

Councilor Ballew asked for examples.

Mr. Goodwin said Comfort Flow Heating had requested use of the right-of-way to put communication facilities underground to connect their two facilities. He gave other examples such as pneumatic tubes and electrical wiring to facilities across public streets.

Councilor Woodrow asked who would be required to repair the street if a combination of Option 2 and Option 3 were used, and the owner of the lines needed to tear up the street for repairs.

Mr. Goodwin said the owners of the wires would be required to repair the street, just as the current utilities were required. He said staff would not recommend changing that standard.

Councilor Ralston asked why they couldn't use utility poles, rather than putting their lines under the street.

Mr. Goodwin said the city would require the same type of permit to put it over the right-of-way as they would under the right-of-way. He discussed the cost of a pole, the permit, and other issues of overhead lines.

Councilor Ralston asked if they would be charged an ongoing fee, such as a franchise fee, for over the ground right-of-ways.

Mr. Goodwin said that would be appropriate.

Public Works Director Dan Brown said if we allowed placement of a private facility whether above or below the ground, it would need to be documented on the city maps. The owner would have responsibilities to do locates, as utilities do, whenever someone would be digging. He referred to the council briefing memorandum (CBM) included in the agenda packet. In the past, councils had considered the competitive advantage of allowing one company to use the right-of-way while another company may have to acquire property at their cost to place utilities underground. Those past councils had asked staff to charge a fee to level the playing field while also covering the city's costs. He noted that this council was not bound by previous councils.

Mr. Goodwin said the fees he had suggested in the CBM would be higher than what was customarily charged for utilities.

Councilor Lundberg asked how the new fees would relate to current users.

Mr. Goodwin said the franchise fee for current users was a percentage of their revenue. In other cases, such as Sprint, they were charged a per foot rate.

Councilor Lundberg asked how the private company would be charged.

Mr. Goodwin said the suggested rental noted in the CBM was for \$4/foot per year if they were renting city conduit. If they put in their own conduit, the cost would be \$5/foot per year.

Mayor Leiken said it sounded like Springfield was one of the few cities in the state without this option. He discussed the competitive edge between private companies. This would be another tool for the city to be competitive.

Councilor Ralston suggested supporting Option 2 or Option 3. He asked about conduit placed when new streets were constructed.

Mr. Goodwin said that was being done currently as streets were built. That was designed to protect our streets, allowing use underground for utilities without damaging the street. He would suggest that practice continue and the city would charge a rental fee for that, slightly less than the rental fee for someone placing their own conduit to encourage use of existing conduit.

Councilor Woodrow asked what would happen if the conduit ran out of space in the future.

Mr. Goodwin addressed that and noted that the city would retain first rights for our wires.

Councilor Ballew said whenever the street was cut into, it shortened the life of the street. It was important to limit cutting into the street.

Mr. Goodwin referred to the Municipal Code which addressed boring into the street rather than cutting the street when repairs were needed. In the case of utilities, the code does state that if there was no other feasible way to provide service to the public, the city could, with appropriate conditions, allow a street to be cut. That would not pertain to a non-utility use.

Council consensus was to go forward with this proposal.

2. Transportation Growth Management (TGM) Grant for Edits to TransPlan.

Transportation Manager Nick Arnis and Planning Supervisor Greg Mott presented the staff report on this item. Staff must seek approval from council when applying for grants.

Staff seeks direction for applying for a \$150,000 TGM grant with the City of Eugene and Lane County staff in order to edit sections of TransPlan pertaining to federal regional transportation rules and requirements. The TGM grant application is due May 23, 2005.

In December 2004, the Metropolitan Policy Committee (MPC) adopted the Regional Transportation Plan (RTP) to satisfy federal rules pertaining to the new Transportation Management Area (TMA) status this metro area assumed through the last census. Previous to being a TMA, federal transportation planning requirements for the metro area were part of TransPlan. Consequently, TransPlan was the document that held state and federal transportation planning requirements and acted as this areas transportation element in the Metro Plan. The TGM grant would pay for a consultant to remove the federal sections that are in TransPlan such as the constrained project list, update the maps, clarify the relationship between TransPlan and the RTP, respond to changes in any state laws, and update the compliance measures required by the state. The goal of staff is for a quick and efficient edit process of TransPlan in order to have a two distinct and understandable regional transportation documents, one federal (RTP) and the other for state and metro area purposes (TransPlan).

During the April 14, 2005 MPC meeting, Lane Council of Governments (LCOG) was directed by MPC to pursue the one regional transportation plan, that is, combine TransPlan and the RTP. MPC action to LCOG staff does not compel the Springfield Council or other metro jurisdictions to amend TransPlan. MPC has no direct authority to initiate changes to TransPlan, such authority lies with the Springfield and Eugene City Councils and the Lane County Board of Commissioners.

Staff recommends further discussion with Eugene and Lane County staff to submit a TGM grant request of \$150,000 to edit TransPlan by May 23, 2005. There was about a twelve percent match required for the grant that would be provided by the metro jurisdictions in the form of staff time.

Mr. Arnis discussed the difference between the TransPlan and the Regional Transportation Plan. He noted that Mr. Mott had done extensive research on these plans as well as the state requirements.

Mr. Mott discussed the two plans and the issues involved with the Regional Transportation Plan (RTP). The RTP now included Coburg, which was not in the TransPlan. The proposed grant would help assist the city with transportation planning with these two plans. He said the state would have to commit to the existence of at least two of the plans; one that covered Eugene,

Springfield, Coburg and possibly Junction City by 2010. Currently the TransPlan went to 2025 and MPC would be extending that to 2030 this fall. This caused issues of synchronization between these plans.

Councilor Ralston asked about the periodic review of the TransPlan. He asked when it was scheduled to be updated.

Mr. Mott said it needed to be amended in not less than five years and not more than ten years. It was last adopted in 2001, so would need to be updated again soon. He said once the editing was performed, the state could put off the periodic review until at least the ten year period.

Councilor Ballew said she would support having someone else pay for the work. She asked if staff could get the grant application done fast enough for submittal.

Mr. Mott said staff would be able to have the application completed in time.

Councilor Ballew referred to several Eugene Councilors who felt strongly about having one plan. She said it sounded like two plans would be needed.

Mr. Mott said Land Conservation and Development Commission (LCDC) would have to allow one plan, but he doesn't believe the rule would allow one plan because the rule did not contemplate a transportation plan that would be so far out of synchronization with the comprehensive land use plan. He discussed one of the options suggested of having three chapters: the first for the federal chapter; the second for the Metropolitan Policy Organization (MPO) chapter; and the third for the local chapter. He said he did not believe that would work.

Mayor Leiken said there were those that tried to simplify things, but one plan would not work. He discussed traffic congestion issues in this area and how it was complicated by the joint agencies. He said simplifying would be good, but he felt two plans were needed.

Councilor Lundberg asked who awarded the TGM grant money.

Mr. Arnis said it was Federal Surface Transportation Program (STP) Funding. The match would be nearly twelve percent and would be made up in staff time.

Councilor Lundberg asked about the goal of the study.

Mr. Mott said the MPC approved the Unified Planning Work Program (UPWP) which included the task of reconciling the three plan issue. The MPC, through a motion, requested staff to pursue the possibility of consolidation of those plans into a single plan. Pursuing consolidation was the goal, whether or not consolidation could be achieved.

Mr. Kelly said the MPC wanted staff to explore the feasibility of possible consolidation.

Mr. Mott said in the past TransPlan was the regional plan because the region of the MPC was exactly the same as the Metro Plan and there was no conflict. Once the metro area became a TMA, the federal government imposed the new area standard and new timing standard. The TransPlan was not changed at that time to include Coburg or to go to 2025. He said that had caused things to get out of synchronization and we were not able to get back into

synchronization. He discussed other communities with regional transportation plans and local transportation plans.

Mr. Arnis said they needed council direction regarding this grant.

Councilor Ballew said she would support staff applying for the grant. She asked how Coburg was added into the plan.

Mr. Mott said it was concentrations of population. He explained and he discussed how Junction City and Creswell could soon be added.

Mr. Mott said it was a good idea to look at a larger picture regarding regional transportation issues, but it could not be done with one plan.

Mayor Leiken said it would help having one plan when asking for Federal Funds in a United Front. There was a lot of emphasis on the employment center in Coburg.

Council consensus was to move forward with the grant.

Mr. Arnis said staff would put a copy of the completed application into a communication packet.

ADJOURNMENT

The meeting was adjourned at 6:51 p.m.

Minutes Recorder – Amy Sowa

Sidney W. Leiken
Mayor

Attest:

Amy Sowa
City Recorder